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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/290,419	04/13/1999	TSUYOSHI KURIBAYASHI	990409	9862

23850 7590 11/29/2001

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EXAMINER

ALPHONSE, FRITZ

ART UNIT PAPER NUMBER

2675

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/290,419

Applicant(s)  
Kuribayashi

Examiner  
Fritz Alphonse

Art Unit  
2675



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 13, 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 10, 12-13, 17-21, 28, 30-31, 35-40, 47, 49-50, 54, are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (U.S. Pat. No. 6,100,876).

As to claim 1, Tanaka discloses an information processing system which provides input by performing a touch motion on an operating surface (see figures 2-5); device detects the length of time of a non-touch state in which no touch motion is performed on said operating surface (5), (i.e., this is provided by the detection of pen-up time, see column 9, lines 16-25). Tanaka teaches the step of determining information indicating a touch state (which is provided by the detection of pen-down time,  $\Delta t$ -Down) in accordance with the detected length of time when a touch motion has occurred (see column 8, lines 55-67).

As to claim 19, this claim differs from claim 1 only in that claim 19 is an apparatus claim whereas claim 1 is a method. Therefore, claim 19 is analyzed as previously discussed in rejected claim 1 above.

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As to claim 38, this claim differs from claim 1 in that the limitation "recorded medium" is recited in the preamble. Tanaka teaches that the information is stored in memory (V-RAM). See column 4, lines 7-11.

As to claims 2 and 20, Tanaka teaches an input processing method, wherein when a touch state occurs, said first step detects the length of time of said non-touch state that follows said touch state (figs. 4-6; col. 9, lines 16-46).

As to claims 3 and 21 and 40, Tanaka teaches that the state is a touch state whether or not the time is larger than a predetermined length of time (col. 9, lines 21-25).

As to claims 12 and 30, Tanaka (figs. 2-6) shows an input processing method, including the step of performing information processing in response to a touch state indicating information, and wherein said touch motion is performed using a pen (see figure 5) on said operating surface (32), and said non-touch state is a pen up state (42), and/or, said touch state is a pen down state (41).

As to claims 13 and 31, Tanaka (fig. 5) shows an input processing method, wherein said touch motion is performed using a pen on said operating surface, and said non-touch state is a pen up state, and/or said touch state is a pen down state.

As to claims 17-18, 35, 37 and 54, Tanaka discloses an input processing method, wherein said device comprises a display section (5) and said touch motion operating surface is arranged in said display section (col. 3, lines 12-16), and wherein each of said steps is carried out only when a designated mode is set active (col. 2, lines 11-16).

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As to claims 36 and 39, the claims have substantially the limitations of claims 1-2. Therefore, they are analyzed as previously discussed in claims 1-2 above.

As to claim 49-50, the claims have substantially the limitations of claims 12-13. Therefore, they are analyzed as previously discussed in claims 12-13 above.

As to claims 10, 28 and 47, Tanaka (figs. 4-6) shows an input processing method including a function for determining information indicating the termination of the touch state (e.g., pen up, pen down) after the function has determined said touch state indicating information and said touch state has ended (col. 10, lines 58-64).

3. Claims 4-6, 22-24, 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota (U.S. Pat. No. 5,956,021).

As to claim 4, Kubota discloses a device for inputting information by performing a touch motion on an operating surface. That device detects the number of successive occurrences of a touch motion; and determines information indicating a touch state in accordance with said detected number of occurrences (col. 2, lines 50 through col. 3, line 11; col. 3, lines 43-50).

As to claim 5, Kubota discloses an input processing method that detects the number of occurrences of a touch motion over a predetermined length of time (col. 3, lines 43-65).

As to claim 6, the claim has substantially the limitations of claims 4-5. Therefore, it is analyzed as previously discussed in claims 4-5 above.

As to claims 22-24 and 41-43, the claims have substantially the limitations of claims 4-5. Therefore, they are analyzed as previously discussed in claims 4-5 above.

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4. Claims 15, 33, 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (U.S. Pat. No. 5,572,651).

As to claims 15, 33, 52, Weber discloses an input processing device which provides input by performing a touch motion on an operating surface. That device detects the number of successive occurrences of a touch motion (e.g., the pen input is continuously tracked or detected from pen down (touching the screen) to pen up (leaving the screen) during a certain period); and determining a corresponding mouse operation in accordance with the detected number of occurrences (col. 19, lines 9-22).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-8, 25-26, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota.

As to claims 7-8, 25-26, 44-45, Kubota does not teach a method, wherein when the number of occurrences is 1, the second step determines that the state is not the touch state, and when the detected number of occurrences is 2 or more, the state is the touch state and a single click has occurred, and/or when the detected number of occurrences is 3 a double click has occurred.

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This is very obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to associate the number of occurrences as disclosed by Weber with numerical 1-3. This would have been obvious to provide a data processing method capable of discriminatively recognizing patterns of gestures and other characters or figures and defining gestures effective in any input areas as is known by those skilled in the art.

7. Claims 16, 34, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber.

As to claims 16, 34, 53, Weber does not teach a method, wherein when the number of occurrences is 1, the second step determines that the state is not the touch state, and when the detected number of occurrences is 2 or more, the state is the touch state and a single click has occurred, and/or when the detected number of occurrences is 3 a double click has occurred.

This is very obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to associate the number of occurrences as disclosed by Weber with numerical 1-3. This would have been obvious to provide a data processing method capable of discriminatively recognizing patterns of gestures and other characters or figures and defining gestures effective in any input areas as is known by those skilled in the art.

8. Claims 9, 11, 14, 27, 29, 32, 46, 48, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Chan (U.S. Pat. No. 6,057,830).

As to claim 9, Tanaka does not teach a device that displays a cursor in a display section and wherein said cursor has a first state for directing the processing of a manipulation target displayed in said display section, and a second state for not directing the processing of said manipulation target,

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and there is included a step in which said cursor changes from said second state to said first state in response to said touch state indicating information.

However, in the same field of endeavor, Chan (figs. 3-4) shows a touch mouse controller that displays a cursor in a display section and wherein said cursor has a first state for directing the processing of a manipulation target displayed in said display section, and a second state for not directing the processing of said manipulation target, and there is included a step in which said cursor changes from said second state to said first state in response to said touch state indicating information (col. 6, lines 4-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka by specifically providing a touch mouse controller that displays a cursor in a display section, as disclosed by Chan. Doing so would reduce variation in the digital codes indicating location of the pointed object due to vibration of the pointed object in the human hand.

As to claims 11 and 48, these claims differ from claim 9 only in that the limitation "when said touch motion has ended " is added. However, Chan (figs. 3-4) shows a touch mouse controller in which the cursor changes from a first state to a second state when the touch motion has ended (claim 11).

As to claims 27, 29 and 46, the claims have substantially the limitations of claims 9 and 11, therefore, they are analyzed as previously discussed in claims 9 and 11 above.



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As to claims 14, 32 and 51, Tanaka does not teach a first state that is a cursor-clicked state, and/or a second state that is a hovering state. However, these limitations are disclosed by Chan (fig. 4; col. 6, lines 4-45). See the motivation applied above.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki et al. (U.S. Pat. No. 5,561,447) discloses a coordinate input apparatus in which coordinate value data of indicated position is detected.

Fukuda et al. (U.S. Pat. No. 5,748,926) discloses a data processing method and apparatus in which gestures and other characters or figures are discriminatively recognized.

Yanade et al. (U.S. Pat. No. 5,959,615) discloses an information processing device that can easily set a color for each schedule item by pressure of a pen.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

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**(703) 872-9314 ( for Technology Center 2600 only )**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



F. Alphonse

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November 16, 2001



CHANH NGUYEN  
PRIMARY EXAMINER